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Human Rights Committee

Second periodic report submitted by the Niger under article 40 of the Covenant, due in 1994*, **

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I. Introduction

1. The present report is submitted under article 40 of the International Covenant on Civil and Political Rights, ratified by the Niger on 7 June 1986. Since ratification, the Niger has submitted only its initial report, in 1992. That report was reviewed by the Human Rights Committee in 1993. Between 1993 and 2014, the Niger should have submitted at least three periodic reports, but it was unable to honour that commitment for a number of reasons.

2. In order to fulfil its obligations, in March 2010 the Niger established an interministerial committee for the drafting of initial and periodic reports to the treaty bodies and under the universal periodic review. The present report was drafted by the committee and submitted to other stakeholders for their contributions prior to being adopted by the Government.

3. Despite the delay in submitting its reports to the Human Rights Committee, since the submission of its previous report, the Niger has taken a series of measures to ensure the promotion and protection of the human rights enshrined in the Covenant and the other international and regional instruments to which it is a party.

4. The present report covers the period from 1993 to 2014 and has been prepared in accordance with the Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

5. The report outlines the legislative and administrative measures and new policies adopted since the submission of the initial report. It reflects the progress made in the area of civil and political rights during the reporting period, indicating the extent to which the political and administrative authorities have given effect to the rights and freedoms set forth in the Covenant. It also contains responses to the observations and recommendations addressed by the Human Rights Committee to the Government following the review of the initial report.

6. The preparation of the report primarily involved the collection by members of the interministerial committee of data and information from government institutions, international bodies and civil society organizations. The National Human Rights Commission, trade unions and civil society organizations were formally consulted at the drafting stage and subsequently participated in the workshop to validate the report.

7. The report focuses on two aspects. First, general information is provided on developments in the legal and institutional framework for the protection of human rights since the submission of the previous report. Second, an overview is given of the progress made between 1993 and 2014.

8. Before addressing these two aspects, however, it is necessary to respond to the observations and recommendations made by the Human Rights Committee in respect of the Niger following the review of the previous report.

II. Response to the observations and recommendations concerning the initial report of the Niger

9. The measures taken by the Niger to respond to the observations and implement the main recommendations made following the review of its initial report can be summarized as follows.

(a) Concerning the failure to investigate cases of extrajudicial executions, disappearances, torture and arbitrary arrests attributable to the army or members of the armed forces in 1991–1992, particularly acts committed against members of the Tuareg ethnic group, even though the Covenant does not authorize, in any case, derogations from articles 6 and 7

10. The Niger did not derogate from the provisions of articles 6 and 7 of the Covenant. The persons involved were prosecuted. Admittedly, the rebellion did give rise to abuses by both members of the defence and security forces and the rebels. During the Sovereign National Conference held in Niamey in 1991, these events were made known to the public and referred to the Crimes and Abuses Commission. Cases were then referred to the courts, which ruled on all the facts.

(b) Concerning persistent discrimination against women in certain fields

11. In this regard, the Niger has taken several legislative, institutional and socioeconomic measures to remedy the inequality faced by women. These measures are described in the section on article 2 of the Covenant.

(c) Concerning excessively long periods of police custody and pretrial detention

12. Article 71 of the Code of Criminal Procedure sets out the conditions governing police custody, including the applicable time limits: "If, for the purposes of the investigation, the criminal investigation officer is obliged to detain one or more persons in respect of whom there is evidence of guilt, he or she may not keep them in custody for more than 48 hours. Beyond that time limit, the detainees must be released or brought before the Public Prosecutor. However, the Public Prosecutor may grant authorization to extend police custody for a further 48 hours. Suspects who have been held in police custody for 24 hours must be advised of their right to retain a lawyer; if they are not, the proceedings against them may be declared null and void. This time limit begins as of the arrest. When such persons are brought before the court, a medical certificate must be produced attesting that they have not suffered ill-treatment."

13. The duration of pretrial detention is limited to 6 months in the case of ordinary offences, renewable once. For serious offences, the duration of pretrial detention is 18 months, renewable for a further 12 months. The indictment division ensures the strict application of these provisions by the investigating courts under its jurisdiction and is authorized, when inspections are carried out, to order ex officio the release of persons whose detention orders have not been extended.

(d) Concerning the effective implementation of articles 10, 14 and 19 of the Covenant

14. The implementation of articles 10, 14 and 19 of the Covenant is discussed in the specific paragraphs on those articles.

(e) Concerning the low level of participation in the 1993 elections

15. Multiparty democracy had just been introduced in the Niger and many shortcomings were identified and acknowledged in the organization of the various polls. However, corrective measures have been taken to improve the exercise of this right, including educating citizens and adopting appropriate regulations.

16. To this end, awareness-raising activities have been conducted for the National Assembly, political parties, the National Council for Political Dialogue, civil society organizations, traditional chiefs, religious leaders, young people and women in both urban and rural areas.

(f) Concerning shortcomings in the observance of articles 18 and 19 of the Covenant

17. These shortcomings are attributable to the political context at the time, which was characterized by restrictions on freedoms linked to the legal framework that existed then, a legacy of the state of exception. However, since the advent of democracy, significant progress has been made, including through the regulatory framework provided for in all of

the country's constitutions, particularly that of 25 November 2010; this has allowed all freedoms to flourish.

(g) Concerning progress made since the last review

18. The suggestions and recommendations made to the Niger following the review of its initial report have been taken into account by successive governments since then. This is reflected in:

- The affirmation of human rights in the various constitutions adopted under the Third to Seventh Republics, particularly the principle of respect for all civil and political rights
- The revision of the Criminal Code and Code of Criminal Procedure, which take account of the provisions of human rights treaties and conventions ratified by the Niger, including respect for the principle of a fair trial, the guarantee of the right of defence, access to justice, legal and judicial assistance for vulnerable persons, the presumption of innocence, the possibility of appeal and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment and of biological experiments in wartime
- The decriminalization of press offences as a result of the adoption of Ordinance No. 2010-035 of 4 June 2010 regulating freedom of the press
- The organization of national consultations on the press
- The organization of national consultations on the justice system
- The reopening of Press House
- The establishment of the Higher Council for Communication
- The adoption of Ordinance No. 2011-22 of 23 February 2011 on the charter on access to public information and administrative documents
- The establishment of the Youth Parliament in 2002
- The establishment of the National Commission for Social Dialogue in 2000
- The adoption of the law on quotas
- The adoption of a national gender policy, etc.

19. In 2011, the Prime Minister presented the Government's general statement of policy to the National Assembly. It included a programme centred on three main areas:

- The promotion of good governance
- The promotion of social development
- The promotion of an economy characterized by growth and sustainable development

III. Information on articles 1 to 27

Article 1
Right to self-determination

20. The Niger gained its independence on 3 August 1960 and set up republican institutions, in accordance with its Constitution. The constitutions enacted since then under each of the several republics have reaffirmed the commitment of the Niger to fulfilling its international obligations, as well as to upholding the rule of law and democracy.

21. Over the past two decades, the Niger has embarked on major institutional and administrative reform to increase citizens' involvement in managing their affairs. This decentralization process has its legal basis in the country's various constitutions.

22. Decentralization took firm root in the Niger with the establishment of 265 urban and rural communes and the election of their legislative bodies in 2004 and 2010, respectively.

23. The sovereign management of its natural resources by the Niger contributes to the realization of its right to self-determination. The Niger has significant natural resources, including uranium, petroleum and gold, which are exploited and managed by government bodies.

24. Article 172 of the Constitution provides: "The Republic of the Niger shall be entitled to conclude, with any African State, association or community agreements entailing the partial or total surrender of sovereignty with a view to achieving African unity. The Republic of the Niger shall be entitled to conclude cooperation and association agreements with other States on the basis of reciprocal rights and benefits."

Article 2
Non-discrimination

25. The Niger has ratified almost all the international and regional legal instruments on the promotion and protection of human rights. The Constitution establishes the principle of non-discrimination on the grounds of religion, race, regional, social or ethnic origin, sex and political beliefs.

26. Under article 5 of the Constitution, all of the languages spoken by the country's eight ethnic groups are considered equal as national languages.

27. The third paragraph of article 9 of the Constitution prohibits the establishment of political parties along ethnic, regionalist or religious lines. A party may not be established with the aim of promoting an ethnic group, region or religion, on penalty of the sanctions provided for by law.

28. Article 10 of the Constitution declares that the people of the Niger are equal and free. This article is complemented by the provisions of article 22, under which the State has an obligation to ensure the elimination of all forms of discrimination against women, girls and persons with disabilities and to take measures to combat violence against women and children in the public and private spheres.

29. Under the second paragraph of article 33 of the Constitution: "No one shall suffer discrimination at work." On the basis of this constitutional provision, national labour legislation stipulates that no workers may be discriminated against on the basis of race, sex, age, religion, national origin, colour, political opinion, social origin, disability or membership or non-membership of a trade union.

30. In civil matters, this provision serves as the basis for nullifying certain contractual clauses, such as celibacy clauses or those prohibiting women from becoming pregnant for the duration of their employment contract.

31. The second paragraph of article 42 guarantees the same rights and freedoms to citizens and nationals of other countries.

32. All persons living in the national territory have equal access to the courts and have the right to avail themselves of legal remedies to contest judicial decisions.

33. By law, judges have the obligation to provide the grounds for their decisions, under penalty of nullity. When the courts rule on customary matters, the judge is joined by two associate judges representing the customs of each of the parties. The principle of equality before the law is observed in both criminal and civil matters.

34. Regardless of the individual or the case in question, under the Code of Criminal Procedure detention is an exceptional measure, founded on guarantees of representation and security of the person detained and establishment of the facts.

35. Under articles 143.1 to 143.4 of the Code of Criminal Procedure, provision is made for compensation for arbitrary or illegal detention, applicable to all persons involved in judicial proceedings without discrimination of any kind.

36. Despite all the measures taken by the State, there are difficulties in applying the principles mentioned above, notably because of a lack of human, material and financial resources to ensure judicial coverage throughout the country. In order to remedy this situation, a judicial section has been set up in the National Civil Service and Judiciary Training School to provide initial training and continuing education to judges. In the same vein, a number of judicial reform programmes, such as the Judicial Reform Support Programme, Judicial Reform Support and the Programme of Support for Justice and the Rule of Law, have been implemented. The Judicial Reform Support Programme was implemented at the end of 2000, in close cooperation with development partners, with the aim of modernizing the justice system and making it more effective and accessible to citizens.

37. Ordinance No. 93-012 of 2 March 1993 sets out the minimum rules for the social protection of persons with disabilities. Two decrees were adopted in 2010, one on the establishment of a national committee for the advancement of persons with disabilities and the other on the organization, powers and functioning of the national committee.

38. Under article 9 of Decree No. 96/456/PRN/MSP, persons with disabilities are fully exempt from the cost of doctor's visits and hospitalization in national hospitals.

39. Under article 21 of the aforementioned Ordinance, all public or private establishments with at least 20 employees are required to reserve 5 per cent of jobs for persons with disabilities. The implementation of this article facilitated the employment in the civil service of 300 graduates with disabilities between 2007 and 2014.

Article 3
Equal rights of men and women

40. Article 8 of the Constitution enshrines the principle of the equality of citizens before the law, whereby citizens enjoy free access to public services (health, education, justice, employment) and to elected positions (deputies, mayors, local elected representatives) without any distinction on the basis of sex. In practice, access to the law and to justice is a prerogative exercised by all citizens of the Niger, regardless of their social status or origin.

41. Article 10 stipulates: "All citizens of the Niger are born and remain free and equal in rights and duties. However, for certain categories of the population, access to elected office and public service may be facilitated by special measures provided for by law." As a case in point, Act No. 2000-008 of 7 June 2000 introducing a quota system in favour of one sex or the other in elected positions (10 per cent), and in State administration and the Government (25 per cent), was adopted to improve the representation of women in decision-making bodies for both elective posts and those subject to appointment. This Act was amended by Act No. 2014-64 of 5 November 2014, which increased the quota for elective posts from 10 to 15 per cent. In application of these provisions, the Constitutional Court regularly instructed the political parties to fulfil the quota before approving their electoral lists. All political parties now comply with this legal requirement. This has resulted in a significant improvement in the representation of women in decision-making bodies.

42. The Niger is noted for its system of legal dualism in such fields as family law, inheritance and personal status. This means that there are two sources of law: the Civil Code and customary law.

43. The Niger ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1999 and has adopted several pieces of legislation to reduce gender inequality. They include:

- The Act of 5 November 2014, whereby the Code of Nationality was amended to give Niger women the right to pass on their nationality to their foreign spouses
- The Act of 5 November 2014, which increases from 10 to 15 per cent the quota for elected and appointed offices
- The Decree of 2 October 2015 on the establishment, responsibilities, structure and operation of the National Observatory for Gender Equality

44. The Niger has implemented a number of projects and programmes to ensure true equality between men and women, including:

- The Niger Gender Initiative, aimed at creating an environment conducive to gender equality
- The capacity-building project for gender equity
- "Schools for husbands", which provide a forum for discussion, decision-making and exchanges on obstacles to reproductive health and for the identification of solutions adapted to the local context, as well as enabling husbands to acquire relevant skills and become directly involved in the development of their communities; from an initial 11 experimental schools for husbands in the Matameye and Magaria districts of the Zinder region in July 2008, the number grew to include 1,021 schools in 2014
- A gender equality support fund
- The integration of gender into 52 community development plans to take account of the specific needs of women
- The empowerment of women through access to microcredit for income-generating activities
- The recruitment of young women to positions previously reserved for men, including in the police, the gendarmerie, the national guard and the customs authority

45. Regarding the sanctity of the human person, article 11 of the Constitution provides: "Human beings are sacred. The State has an absolute obligation to respect and protect them."

46. Article 12 of the Constitution provides: "Everyone has the right to life, health, physical and mental integrity, healthy and sufficient food, safe drinking water, education and instruction under the conditions defined by law. The State shall guarantee for everyone the provision of basic services to meet their needs and ensure their full development. Everyone has the right to liberty and security under the conditions defined by law."

47. Article 13 stipulates: "Everyone has the right to attain the best possible state of physical and mental health. The State shall create the conditions for the provision of medical services and assistance to all in the event of illness. The law shall set the terms for the implementation of this provision."

48. Article 14 provides: "No one may be subjected to torture, slavery, abuse or cruel, inhuman or degrading treatment. Any individuals or agents of the State who, during the exercise of their functions, commit acts of torture, abuse or cruel, inhuman or degrading treatment, whether on their own initiative or under orders, shall be punished in accordance with the law." In application of this prohibition, the courts regularly punish perpetrators in accordance with the Criminal Code.

49. With regard to other civil rights, article 17 of the Constitution provides: "All persons have the right to the free development of their personality in its material, intellectual, cultural, artistic and religious aspects, provided that this does not infringe on the rights of others or violate the constitutional order, law or morality." Through its education and training programmes, the State supports the personal development of girls and boys. At primary and secondary levels, pupils study modules such as home economics, sewing, storytelling, civics, and other practical and productive activities.

50. Article 21 of the Constitution places particular importance on women and children. It provides that the State and the public authorities have a duty to ensure the physical, mental and emotional health of families, especially mothers and children.

51. While legislative texts guarantee de jure equality, the Niger acknowledges that there continue to be de facto disparities in the economic, political and social spheres, which it is endeavouring to remedy.

52. In economic terms, according to the third demographic and health survey/multiple indicator cluster survey, 47 per cent of all women of working age are on the labour market

— 40 per cent are in work and 7 per cent are unemployed. However, for men of working age, 86 per cent are on the labour market — 66 per cent are in work and 20 per cent are unemployed. Women's participation in the labour market increases with age, from 32 per cent for 15- to 19-year-olds to 54 per cent for 45- to 49-year-olds. In order to address these disparities, there is a focus on the empowerment of women in general, through access to microcredits to develop revenue-generating activities.

53. To promote the socioeconomic integration of rural women, the Government set up a solidarity fund in 2011. Standing at 2 billion CFA francs (CFAF) (approximately €334,901), it is open to public subscription and intended to support the empowerment of rural women and the alleviation of the burden of household chores.

54. Politically, the implementation of the law on quotas has resulted in a significant improvement in the representation of women in decision-making bodies, as follows:

(a) For elected positions in 2011:

- In the presidential elections, for the first time 1 of the 10 candidates was a woman (i.e. 10 per cent);
- In the legislative elections, 15 of the 113 deputies elected were women (i.e. 12.38 per cent);
- In the local elections, 639 of the 3,477 councillors elected were women (i.e. 18.37 per cent);
- The mayors of 8 of the country's 270 local authorities are women (i.e. 2.96 per cent);
- On city councils, 17 women were elected out of a total of 104 councillors (16 per cent);
- On regional councils, 36 women were elected out of a total of 260 councillors (13.84 per cent).

(b) For appointed positions: in the Government, 7 of the 36 ministers in 2014 were women, that is, 19.44 per cent. In addition, the President of the Constitutional Court and the President of the High Court of Justice are women. In the diplomatic service, 6 of the 19 ambassadors are women, that is, 31.57 per cent.

55. Illiteracy remains a major challenge to women's development. The proportion of women who can read and write a simple text is approximately 12 per cent, compared to 28 per cent for men. This situation has changed since 1998. The number of persons enrolled at adult literacy centres more than doubled between 1998 and 2008, and women make up 70 per cent of students. However, one third of women drop out of the programme and only half of them successfully complete it.

56. In his General Policy Statement of 16 June 2011, the Prime Minister announced that strong action would be taken in relation to gender equality.

Article 4
Emergency situations: non-derogable rights

57. The measures called for in emergency situations may involve the authorities restricting the exercise of some rights and freedoms but do not authorize the violation of fundamental human rights. Rights from which no derogation may be made in any circumstances include the right to life, the right not to be subjected to torture or other cruel, inhuman or degrading treatment, the prohibition on slavery and servitude, the non-retroactivity of criminal law, the prohibition on imprisonment for debt, the right to recognition everywhere as a person before the law and the right to freedom of thought, conscience and religion.

58. As the Niger is a party to the Covenant, all persons living in the national territory may claim protection of these rights, which give rise to absolute obligations for the State, before the national courts.

59. The use of exceptional measures is provided for under the Constitution, article 67 of which stipulates: "Where institutions of the Republic, the independence of the Nation, territorial integrity or the execution of international commitments are subject to serious and immediate threat and the normal operations of public constitutional authorities are suspended, the President of the Republic shall take such exceptional measures as are required by the circumstances."

60. Under article 104 of the Constitution: "A declaration of war shall be authorized by the National Assembly. If the National Assembly has been dissolved and the country is the victim of an external attack, the declaration of war shall be made by the President of the Republic in the Council of Ministers."

61. Article 105 provides: "A state of emergency shall be declared in the Council of Ministers, following consultation with the Bureau of the National Assembly. The National Assembly shall meet without needing to be convened if it is not in session. The extension of the state of emergency beyond 15 days may be authorized only by the National Assembly. The National Assembly cannot be dissolved during a state of emergency."

62. These measures are adopted and applied without discrimination of any kind.

63. It is important to note that the Niger has experienced situations of insecurity. Indeed, following the review of its last report in 1993, the country was faced with a rebellion and with serious violent crime. In view of those circumstances, the authorities at the highest level were forced to impose curfews and restrict some freedoms, such as freedom of movement. However, in order to prevent such situations, the Government repeatedly engaged in negotiations, resulting in the conclusion of peace agreements, namely:

- The Peace Agreement of 24 April 1995
- The Additional Protocol to the Agreement of Algiers of 28 November 1997
- The N'Djamena Peace Agreement of 21 August 1998
- The Peace Agreement of 2007

64. All these agreements were structured around four fundamental elements:

- Decentralization
- Security management in the areas affected by the conflict
- Development of the regions affected by the armed conflict
- Socioeconomic reintegration of ex-combatants and return of refugee populations to their regions of origin

65. These four major elements are supplemented by measures deemed necessary to create an environment conducive to mutual trust. These include:

- Amnesty and release of prisoners
- The rehiring of those who left their jobs in the civil service and reenrolment of those who dropped out of school
- A clampdown on the activities of armed groups and gangs
- The effective disarmament of ex-combatants

66. The provisions of the peace agreements are implemented by the Office of the High Commissioner for the Restoration of Peace and other government bodies. To date, actions have been taken as part of the process of restoring and consolidating peace in the light of the commitments entered into by both sides in relation to decentralization, pastoralism and the reintegration of former rebels, among other areas.

Article 6
Right to life

67. The Constitution enshrines the right to respect for the human person. Article 11 stipulates: "Human beings are sacred. The State has an absolute obligation to respect and protect them." Article 12 adds: "Everyone has the right to life, health, physical and mental integrity ... Everyone has the right to liberty and security under the conditions defined by law."

68. Chapter III of the Criminal Code, entitled "Murder and capital crimes", criminalizes the most serious offences, including violations of the right to life. Premeditated murder, murder, parricide, infanticide and poisoning are punishable under articles 237 to 241.

69. The death penalty is still in force. However, it is imposed only for the most serious crimes, such as premeditated murder, aggravated murder, parricide and poisoning.

70. That being said, mothers who are the main perpetrators of the premeditated murder or murder of their newborns are spared this punishment and instead receive only a prison term of 10 to 20 years.

71. Regarding minors in conflict with the law, article 29 of the Act of 20 November 2014 contains more lenient provisions, even in the case of the most serious offences. Under the article, if it is found that a minor over the age of 13 and under 18 acted knowingly, the following penalties are imposed:

- If the offence is punishable by the death sentence or life imprisonment, a sentence of 10 to 30 years' imprisonment
- If the offence is punishable by 10 to 30 years' imprisonment, a sentence of 2 to 10 years' imprisonment
- If the offence is an ordinary or minor offence, a sentence amounting to only half the penalty that would have been imposed on a convicted person over 18 years of age

72. Regarding pregnant women, under article 14 of the Criminal Code, "[i]f a woman who has been sentenced to death declares herself to be pregnant, and this is confirmed, the penalty shall not be imposed until after she has delivered".

73. Notwithstanding these provisions, the Niger remains an abolitionist State in practice, the last execution having been carried out in 1976. Death sentences are no longer enforced and a process is under way to abolish the death penalty in law. This process was initiated by the transition Government of 2010, through a series of actions. These measures included the development of a discussion paper setting out several phases, namely public awareness-raising (among religious leaders, traditional chiefs, non-governmental organizations (NGOs) and associations, political parties and government agencies), garnering support for the project and submitting the draft law to the National Consultative Council for adoption. The process is ongoing and will culminate in the adoption of legislation abolishing the death penalty, which will facilitate ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

74. In fact, this issue was raised in the recommendations accepted by the Niger as part of the universal periodic review in 2011. In order to give effect to the recommendation in question, in 2014 the Ministry of Foreign Affairs, Cooperation and African Integration and of Niger Nationals outside the Niger initiated the process of ratifying the Second Optional Protocol in cooperation with the technical ministries concerned. Civil society also launched an appeal in 2012 calling for the ratification of that instrument.

75. Persons sentenced to death have the right to lodge an appeal for pardon with the President of the Republic and may only be executed if the presidential pardon is refused.

76. Incidents resulting in fatalities are unfortunately a regular occurrence, although the authorities have always reacted promptly to punish the perpetrators. For example, on 6 and 7 December 2011, during clashes between protesters and law enforcement officers in Zinder, two individuals (a secondary school student and a woman) lost their lives. Through

its spokesperson, the Government announced the details of the incident to the public and affirmed its commitment to shed light on what had happened. By way of interim measures, the Government decided to suspend the Zinder regional police director and dismissed the Director General of the National Police and his deputy. The police inspector alleged to have committed the offence was arrested after the case was referred to the judicial authorities.

Article 7
Prohibition of torture

77. Torture is prohibited in the Niger. Article 14 of the Constitution provides: "No one may be subjected to torture, slavery, abuse or cruel, inhuman or degrading treatment. Any individuals or agents of the State who, during the exercise of their functions, commit acts of torture, abuse or cruel, inhuman or degrading treatment, whether on their own initiative or under orders, shall be punished in accordance with the law."

78. Similarly, articles 208.1 to 208.4 of the Criminal Code prohibit torture and other cruel, inhuman or degrading treatment. When read together, these articles criminalize the following acts:

- Torture or other inhuman treatment, including biological experiments
- Acts and omissions that are not legally justified and are liable to compromise the health and physical or mental integrity of individuals

79. The absence of a definition of torture in the Criminal Code does not preclude the prosecution of the perpetrators of acts of torture. When cases of torture are brought to the attention of the courts, legal proceedings are instituted on other charges, such as violation of physical or mental integrity. The Criminal Code and the Code of Criminal Procedure are in the process of being revised to include a definition of torture as a specific offence. A bill criminalizing torture has been drafted and is in the process of being adopted.

80. In order to address the lack of awareness of international instruments prohibiting torture and strengthen the capacities of law enforcement officers, several training sessions have been organized for this target group. As a result of this training, there has been a reduction in the number of cases of torture in places of detention.

81. Furthermore, the Niger has incorporated into its Criminal Code the provisions of the Geneva Conventions and Protocols I and II, which require States to prohibit medical or scientific experiments from being carried out on individuals without their prior consent. In this regard, article 208.3 on war crimes lists the serious offences that constitute war crimes punishable in accordance with the provisions of the relevant chapter.

82. In 2008, a survey was conducted by the Niger Association for the Protection of Human Rights in places of police custody in the greater Niamey area on the conditions in which this measure is applied. The survey collected reliable data that can be used to correct the shortcomings identified in the 2007 survey on torture.

83. According to the findings of the 2008 study, no verified cases of torture in the places of police custody visited were observed. Furthermore, the study's findings highlight an improvement in the conditions of policy custody and detention in recent years.

84. This improvement is due to political developments in the Niger and a number of other factors, such as the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international instruments ratified by the Niger, visits by human rights associations to detention facilities, the presence of jurists from the United Nations Volunteers in detention facilities and courts of major jurisdiction, and the provision of human rights training to officers of the police, gendarmerie and national guard, the latter serving as prison officers.

85. In order to prevent ill-treatment, the law obliges criminal investigation officers to provide individuals they are bringing before the court with a medical certificate attesting that they have not been subjected to ill-treatment during their police custody and with the services of a lawyer after 24 hours of custody.

Article 8
Prohibition of slavery

86. Slavery is prohibited under the Constitution, article 14 of which provides: "No one may be subjected to torture, slavery, abuse or cruel, inhuman or degrading treatment. Any individuals or agents of the State who, during the exercise of their functions, commit acts of torture, abuse or cruel, inhuman or degrading treatment, whether on their own initiative or under orders, shall be punished in accordance with the law."

87. In order to meet its international commitments under the legal instruments relating to slavery that it has ratified, the Niger, in addition to introducing a constitutional ban on slavery, amended its Criminal Code in 2003. Slavery is criminalized under articles 270.1 to 270.5.

88. Article 270.1 defines "slavery" as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. A "slave" is the person who has that status or condition. A "person of servile status" means a person in the condition or status resulting from any of the institutions or practices associated with slavery, such as:

- Servitude or any other form of submission or absolute dependence on a master;
- Any institution or practice whereby: (a) a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her master; (b) the master of a woman considered to be a slave has the right to transfer her to another person for value received or otherwise; (c) the master has the right to maintain sexual relations with the enslaved woman;
- Any institution or practice whereby minors under the age of 18 years are delivered by their natural parents, their guardian, their master or the master of one or both of their parents to another person, whether for reward or not, with a view to the exploitation of the minors or their labour.

89. Under article 270.2 of the Criminal Code, slavery, a serious offence, is defined as the act of enslaving another person or inducing another person, or a person dependent upon him or her, to forfeit his or her liberty or dignity for the purpose of enslaving him or her. It is punishable by 10 to 30 years' imprisonment and a fine of between CFAF 1 million and CFAF 5 million.

The same sentence is imposed in the following situations:

When a master or his accomplice:

- Maintains a sexual relationship with a woman considered to be a slave or the wife of a man considered to be a slave;
- Places a woman considered to be a slave at the disposal of another person so that the latter can have sexual relations with her.

Being accessory to, or attempting to commit, the offences set out above is punishable by the same penalty.

90. Ordinary offences relating to slavery are punishable under article 270.4, which provides that any person found guilty of such offences is liable to 5 to 10 years' imprisonment and a fine of between CFAF 500,000 and CFAF 1 million. Any attempt to commit such offences is punishable by the same penalty.

91. On 27 October 2008, in respect of a case referred to it by an NGO authorized thereto under Niger law, the Court of Justice of the Economic Community of West African States (ECOWAS) issued a judgment holding the Government of the Niger responsible for the failure of its services to take the necessary steps to ensure that the victim in the case retained her status.

Case of Hadijatou Mani Koraou

92. On 27 October 2008, the ECOWAS Court of Justice issued a judgment declaring the Niger "responsible for the failure" of its administrative and judicial services to take action in the case of Hadijatou Mani Koraou.

93. When she was 12 years of age, Hadijatou was sold as a fifth wife for CFAF 240,000 (€366). According to the judgment of the Court of Justice, this transaction took place in accordance with *wahaya*, a practice obtaining in the Niger whereby a young girl, usually of servile status, is acquired to serve as both a servant and a concubine. The enslaved wife purchased under these conditions is called a *wahaya*, or fifth wife; that is, another wife apart from those who are legally married, of whom there cannot be more than four under the tenets of Islam. The judgment also specifies that *wahayas* generally carry out domestic work and take care of the master, who can have sexual relations with them at any time of the day or night. Held in slavery for almost nine years, Hadijatou was subjected to forced sexual relations from the age of 13 years and other forms of violence at the hands of her "master".

94. The Court ordered the State to pay her CFAF 10 million as reparation for the harm she had suffered. The State implemented that decision.

95. The Government has adopted the Ordinance of 16 December 2010, the purpose of which is to:

- Prevent and combat trafficking in persons, especially women and children
- Protect, support and assist victims of trafficking by upholding their fundamental rights
- Punish traffickers for all trafficking-related offences
- Facilitate cooperation among States parties to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention

96. Article 2 of the Ordinance defines trafficking in persons as any operation or action aimed at recruiting, transporting, transferring, harbouring or receiving persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

97. In addition to penalties for offences committed, this legislation provides for the establishment of an institutional framework, including a National Coordinating Commission against Trafficking in Persons, a National Agency to Combat Trafficking in Persons and a special fund for the compensation of victims of trafficking. The Commission and the Agency, which are already operational, maintain links with national, regional and international bodies. The Agency has organized training and awareness-raising sessions aimed at judges, members of the defence and security forces, traditional leaders, community radio presenters and civil society organizations. Tangible results have been achieved. In 2014, for example, 142 cases of trafficking were brought before the courts. In her report on her mission to the Niger, conducted in November 2014, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, commended the efforts made by the Niger in this area.

98. The geographical position of the Niger, which is a country of origin, transit and destination, makes it difficult to assess the scale of the problem of trafficking. According to the specialized services (the police, gendarmerie and judiciary), trafficking in women and children is becoming increasingly widespread in the Niger and takes various forms, including the abusive exploitation of girls in domestic service, the internal trafficking of girls housed in brothels and the trafficking of young girls from the Niger, Nigeria and Ghana to other countries.

99. In 2009, a conviction for placing a person in conditions of slavery was handed down by the criminal court of Nguigmi. In a more recent case, the Court of Assize of Birni N'Konni, in judgment No. 20 of 26 May 2014, sentenced a 63-year-old man to 4 years' imprisonment and ordered him to pay a fine of CFAF 250,000 for the crime of slavery. In the same decision, the defendant was sentenced to pay the NGO Timidria (the complainant) the sum of CFAF 500,000 in damages. The Court took account of the remarriage between the accused and the victim on 1 January 2012 and the fact that the victim had not filed a civil action. In the case in question, Mr. Elhadj Djadi R., who claimed that he had bought Ms. Ramatou Garba for the modest sum of CFAF 200,000 (approximately $400), had forced her to become his fifth wife. In 2010, he was reported by the NGO Timidria (which has pledged to fight slavery in the Niger) and arrested for the crime of slavery. This decision proves the determination of the courts and the authorities to deter slavery-like practices by imposing exemplary punishments.

Article 9
Right to liberty and security of person

100. Article 12 of the Constitution provides: "Everyone has the right to liberty and security under the conditions defined by law."

101. Articles 265 to 267 of the Criminal Code establish penalties, including the death penalty, for perpetrators of various types of arbitrary arrest or confinement and their accomplices.

102. The conditions for the arrest and detention at the investigation stage of persons caught in the act of committing an offence are clearly established in the Code of Criminal Procedure and reflect international norms and standards. Other key innovations relate to time limits on police custody and the rights of persons who are the subject of proceedings, including the right to consult a lawyer after 24 hours in custody, the right to be notified of charges and the medical certificate that must be issued stating that the suspect has not been subjected to ill-treatment.

103. The plea bargaining procedure is intended to allow for more flexible sentencing of defendants while promoting the expeditious processing of cases in accordance with the right to be tried within a reasonable time. The Niger has incorporated the notion of reasonableness applied by the European Court of Justice. This notion is based on two sets of factors: first, the complexity of the case, the conduct of the applicant and that of the national judicial authorities; and, second, the precise grounds on which the court justifies the detention.

104. Other provisions relating to respect for the right to trial within a reasonable time, all of which are aimed at speeding up criminal cases, are contained in article 174 of the Code of Criminal Procedure.

105. The procedure governing judgments at first instance is set out in articles 448 to 482 of the Code of Criminal Procedure. Remedies are available to dissatisfied litigants in accordance with articles 482 et seq. for appeals and articles 563 et seq. for appeals in cassation.

106. Under articles 143-1 to 143-4 of the Code of Criminal Procedure, all persons held in pretrial detention in the course of judicial proceedings ending in their discharge, release or final acquittal are entitled to reparation. Persons thus affected may petition the compensation commission set up for that purpose.

107. The right to security is guaranteed by the State through the defence and security forces, including the national police force, the national guard, the national gendarmerie and the army, which ensure social peace.

108. These bodies patrol day and night in order to protect the public.

109. The police emergency unit has been revitalized to make it more operational and its staff numbers have been increased significantly in response to the security requirements associated with porous borders. At the borders, joint patrols are conducted with

neighbouring countries (Mali, Nigeria, Chad and Algeria) pursuant to inter-State agreements, with the goal of curbing residual crime and combating terrorism.

110. Within the framework of the Council of the Entente, the Meeting of Security Ministers of Member States and Mali, held in Niamey on 27 March 2002, adopted the following resolutions:

- To fight police harassment on the roads
- To establish a security information system in order to fight subversive groups, armed robbery, organized networks of car thieves and trafficking of all kinds

111. Despite the existence of a security apparatus, there have been some instances of violence, such as the conflict that broke out in February 2007 between the Niger People's Movement for Justice and the armed forces, which resulted in the death of a number of people and led to an increase in abductions of expatriates working, among others, for large nuclear power companies.

112. In July 2007, the Niger People's Movement for Justice abducted a manager working for the China Nuclear Engineering and Construction Corporation. On 22 June 2008, four managers working for the French nuclear group Areva were abducted by members of the Niger People's Movement for Justice at a uranium mine operated by the Société des Mines de l'Aïr. On 14 December 2008, the Special Envoy of the Secretary-General for the Niger, Mr. Robert Fowler, his assistant Mr. Louis Guay, both Canadian diplomats, and their driver, a national of the Niger, were abducted some 40 kilometres from Niamey while returning from a visit to the gold-mining area of Samira.

113. In order to ensure the safety of foreigners, the Government banned journalists and human rights defenders from entering the Agadez area. In Riad, a neighbourhood of Niamey, on 8 January 2008, a mine exploded when a vehicle carrying the head of the private radio station R and M passed over it.

114. When the security forces were alerted, they discovered another unexploded mine not far from the scene. In Gouré in the Zinder region, in August 2008, a mine exploded when former rebels were surrendering their weapons. One person was killed and several others were wounded, including the regional governor and the commander of defence area No. III.

115. Since December 2009, Al-Qaida in the Islamic Maghreb has claimed responsibility for the following attacks on loyalist forces and kidnappings of expatriates:

- An attack on the military base in Tiloa on 8 March 2010
- The kidnapping of the French national Michel Germaneau in In Abangharit on 20 April 2010; he was killed by his captors three months later in Mali
- The abduction, on 16 September 2010 in Arlit, of seven expatriates (five French nationals, one Togolese national and one Malagasy national) working for Areva and Satom

116. In response to these terrorist acts, the neighbouring Saharan States of the Niger, Mali, Mauritania and Algeria set up an integrated command centre based in Tamanrasset, Algeria. Bilateral agreements have been established between States, including the Niger and Mali, to improve the monitoring and tracking of terrorist groups.

117. A multinational joint task force, in which Nigeria, the Niger, Chad, Cameroon and Benin are committed to participating, will consist of 8,700 men and be headquartered in N'Djamena, Chad. The task force is intended to enhance coordination of a military coalition formed to neutralize Islamists. Other African States have expressed their solidarity with the countries affected by the terrorist attacks carried out by Boko Haram.

118. The establishment of Sahel G-5, which comprises Mauritania, Burkina Faso, Mali, the Niger and Chad, has helped States and their technical and financial partners to pool their resources and efforts in the fight against terrorism and organized crime. In recent years, the Sahel has become a hotspot for all kinds of trafficking and a safe haven for armed groups linked to Al-Qaida, particularly Al-Qaida in the Islamic Maghreb.

119. At the domestic level, the Government has established a National Security Council that takes stock of the security situation on a weekly basis. It is chaired by the Head of State.

120. To ensure the security of people and their property, and to facilitate the movement of troops, the Government decided to declare a state of alert in the Agadez region in August 2007. At that time, the state of alert was extended by presidential decree every three months.

121. With regard to humanitarian demining in affected areas, the State, through the National Commission for the Control and Collection of Illicit Weapons and its partners, including the United Nations Development Programme (UNDP) and the International Organization for Migration, has proceeded to clear several areas.

122. In collaboration with its technical and financial partners, the State has initiated a number of training and awareness-raising sessions on the risks associated with mines. Likewise, a series of training sessions on managing emergency situations and international humanitarian law have been organized for the defence and security forces.

Article 10
Humane treatment of persons deprived of their liberty

123. Article 11 of the Constitution enshrines the inviolability of the human person and the obligation of the State to protect it. Persons deprived of their liberty also enjoy these rights.

124. Articles 222 et seq. of the Criminal Code penalize assault and battery and other intentional offences. These provisions are general in scope in that they apply to all persons, including those deprived of their liberty.

125. The third paragraph of article 71 of the Code of Criminal Procedure provides that suspects must be informed after 24 hours in police custody of their right to retain a lawyer, failing which the proceedings against them may be declared null and void. The fifth paragraph of the article states that, when a person is brought before a court, a medical certificate must be produced attesting that he or she has not suffered ill-treatment.

126. The legislation governing the organization and internal regulations of prisons provides for the separation of accused persons from convicted persons.

127. Accused and convicted women are kept apart from men. Minors are kept apart from other detainees. Political prisoners are kept apart from ordinary prisoners. Although these principles are enshrined in legislation, their implementation is contingent on the limited means of the State. Table 1 in the annex shows the overall situation of the prison system.

128. Ordinance No. 99-11 of 14 May 1999, since superseded by Act No. 2014-72 of 20 November 2014, determines the jurisdiction, responsibilities and functioning of juvenile courts in the Niger. These courts are responsible for dealing with minors who are at risk or in conflict with the law. The new Act facilitates expedited processing of cases and compliance with the commitments made by the Niger under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

129. Article 21 of the Act provides that minors under 13 years of age may not be placed in pretrial detention under any circumstances. Minors aged from 13 to 18 years may only be placed in pretrial detention pursuant to a reasoned order.

130. Article 22 of the Act provides that minors may be held in pretrial detention for no more than 6 months in the case of ordinary offences and 2 years in the case of serious offences. Tables 2 and 3 in the annex provide a breakdown of accused and convicted prisoners by age.

131. Only 2 out of 38 prisons function as vocational rehabilitation centres and only 1 provides rehabilitation for juveniles in conflict with the law.

132. In order to create suitable detention conditions for pregnant women, article 7 of the relevant decree provides that pregnant women may, upon request, for the last two months of their pregnancy, be placed in facilities that are separate from, but connected to, the

sleeping quarters of the other inmates. They may remain there for up to 40 days after the birth of their child. During these periods, they may be assisted by a female family member, as provided for in the internal regulations of the institution. Children may remain in the care of their mothers up to the age of 7 years. Although these provisions are set out in law, their implementation is contingent on the limited means of the State.

133. In 2013, a Directorate General for Prison Administration and national directorates were established with a view to improving detention conditions. Their entry into operation should make it possible to address certain shortcomings.

134. Article 32 of Decree No. 99-369, prohibits all employees and persons with access to detention facilities from:

- Using violence against inmates
- Calling inmates offensive names or using vulgar or familiar language to address them
- Eating or drinking with inmates or with family members or friends visiting them
- Smoking within detention facilities
- Using inmates to carry out personal tasks or being assisted by them
- Receiving gifts, loans or advantages of any kind from inmates or persons acting for them
- Sending messages on behalf of inmates, facilitating or tolerating any correspondence or any irregular means of communication by inmates, with one another or with the outside world, and bringing in any objects or foodstuffs other than under the conditions and in the cases provided for by the regulations
- Engaging directly or indirectly with inmates to influence their defence or choice of counsel
- Becoming intoxicated or drunk inside detention facilities

135. Article 117 provides for inmates to undertake studies and prepare themselves to better integrate into society.

136. To create a favourable living environment, inmates are given the opportunity under the law to engage in sporting, recreational, religious and cultural activities where detention conditions so permit.

137. The Act provides for the establishment of a social services unit within each prison facility to counter the marginalizing effects of offending on inmates, promote the maintenance of social and family ties and help inmates to prepare for their reintegration into society.

138. The freedom and inviolability of correspondence are guaranteed in article 29 of the Constitution. However, this freedom may be restricted by decision of the courts in certain narrowly defined areas.

139. To improve monitoring of detention conditions, oversight commissions are established for every prison. The members of these commissions conduct regular visits to prisons to ensure that the conditions stipulated in article 10 of Decree No. 99-368/PCRN/MJ/DH of 3 September 1999 on the organization and internal regulations of prisons are respected by prison staff. Table 4 in the annex shows the situation with regard to the prison population.

140. Within the framework of a strategic partnership between the Ministry of Justice, UNDP and the Niger Association for the Protection of Human Rights, lawyers from the United Nations Volunteers programme are working in detention facilities in the regions and in the Kollo department to raise detainees' awareness of their rights and duties. This initiative has made it possible to improve detention conditions, track the handling of detainees' cases and monitor detention.

141. In 2008, with a view to improving detention conditions, the State refurbished 16 prisons. Despite the considerable efforts made by the State, most prisons fail to meet international norms and standards. In February 2014, there were 925 detainees in the Niamey prison, whereas its capacity is 350.

142. In order to improve the functioning of the justice system, reforms have been undertaken with the support of external partners. The implementation of these reforms continues to be hindered, however, by such problems as inadequate infrastructure and human and material resources, dilapidated custody cells, cramped and unhygienic places of detention, the lack of equipment in police and gendarmerie premises, and prison overcrowding.

143. As part of efforts with regard to supervision and capacity-building for prison officers, the Ministry of Justice, with the support of UNDP, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Human Rights, has organized training sessions and visits to prisons.

Article 11
Prohibition of imprisonment solely for failing to fulfil a contractual obligation

144. It is an accepted and universally recognized principle that no one may be imprisoned for failing to pay back a debt. The Civil Code of the Niger, echoing this principle, refers to the application of the provisions of contracts in respect of all obligations arising therefrom.

145. This principle is affirmed in articles 1134 and 1142 of the Civil Code, which, respectively, provide that legally concluded agreements are legally binding on those who enter into them and that any obligation to act or refrain from acting entails damages in the event of non-fulfilment by the person under that obligation. The penalties for failing to comply with contractual obligations are set out in articles 1144 to 1155 of the Code.

Article 12
Right to freedom of movement and residence

146. Articles 32 and 42 of the Constitution affirm the principles of freedom of movement, association, assembly, procession and demonstration, under the conditions prescribed by law, and the freedom to choose one's residence.

147. In accordance with these principles, the free movement of persons includes the freedom to come and go and the freedom to leave one country for another. The Niger has ratified several international and regional legal instruments in this area. At the regional level, for example, the Niger has ratified the ECOWAS conventions relating to free movement of persons and goods and the right of establishment of members of certain independent professions.

148. However, the above-mentioned rights are subject to restrictions, notably those imposed on the person and property of citizens in the interests of national defence, public security and public welfare.

149. The conditions governing entry into the Niger are set out in article 3 of the Ordinance on the entry and stay of foreign nationals in the Niger, which provides that all foreign nationals entering the Niger must be in possession of the documents and visas required under the international conventions to which the Niger is a party and the regulations currently in force.

150. Article 2 of Decree No. 87-076 of 18 June 1987 regulating foreigners' entry to and stay in the Niger provides that foreigners must also be in possession of a vaccination certificate and must demonstrate their ability to return to their country of origin by producing a personal, non-transferable and non-negotiable return ticket, valid for one year, and a certificate issued by a banking institution recognized by the State of origin

guaranteeing that they can be repatriated if they themselves are unable to cover the cost thereof.

151. Nationals of States that have concluded a reciprocal visa-waiver agreement with the Niger are allowed to enter the Niger without a visa.

152. The Niger is a party to a number of ECOWAS protocols, including those relating to entry, stay and the exchange of goods within the Community. In accordance with Protocol (A/P.1/5/79) on Free Movement of Persons, the Right of Residence and Establishment within ECOWAS and the West African Economic and Monetary Union (WAEMU), passports and visas are no longer required.

153. To facilitate integration within ECOWAS and WAEMU, identity cards have been established for nationals of member States that allow their holders to move freely within the Community and the Union.

154. This de jure opening is being widely used by migrants from ECOWAS countries, who are entering the Niger in large numbers. While the free movement of persons and goods provided for in ECOWAS legal instruments is fundamentally aimed at enhancing the human and social integration of the populations concerned, this process — albeit very commendable — is being completely distorted by persons seeking to emigrate illegally to Europe via the Maghreb.

155. The conditions of stay applicable to foreigners are determined by the related ordinance and its implementing decree. In order to exercise a regulated professional activity, foreign nationals are required to prove that they have an employment contract stamped by the competent authorities of the Ministry of Employment or a permit issued by those authorities.

156. Foreign students must obtain a residence permit and a certificate of registration or enrolment in a faculty, school or private establishment. Foreign tourists are obliged to undertake not to engage in any professional activity unless authorized to do so at a later stage.

157. Foreigners, whether tourists or students, must prove that they can support themselves if they do not intend to work. Residence permits are withdrawn from individuals who are deported, individuals who spend long periods (six months) outside the Niger, individuals who are without employment or regular income for more than three months, and individuals who have been issued residence permits on the basis of false information or documents.

158. All foreigners who remain in the Niger for three months or more must be in possession of a residence permit. The exercise of any professional activity, paid or unpaid, may be prohibited or made subject to authorization by decree.

159. The law nevertheless contains contrary provisions that may be invoked in order to protect national security, public order, public health, public morals or the rights and freedoms of others. Such provisions are consistent with the other rights recognized in the International Covenant on Civil and Political Rights.

160. With regard to arbitrary deprivation of the right to enter one's own country, article 16 of the Constitution provides: "No citizen may be forced into exile or deported. Forcing a citizen into exile or deporting him or her is considered a crime against the nation and is punishable under the law." In recent years, there have been no reported cases of such coercion.

161. Following the crises in Libya, Côte d'Ivoire, Mali and Nigeria, nationals of the Niger and other countries have returned in large numbers. The authorities, with the support of technical and financial partners, have established a system of reception, care and repatriation for these victims.

Article 13
Conditions of expulsion

162. The Niger is a party to several international and regional legal instruments that seek to protect the rights of refugees and stateless persons. This position is confirmed in its domestic legal order in article 171 of the Constitution, which provides: "Duly ratified treaties or agreements shall, upon promulgation, take precedence over laws, subject to their application by the other party."

163. The status of refugees is regulated by legislation. Thus, according to article 6 of Act No. 97-016 of 20 June 1997 on the status of refugees, applicants for refugee status and recognized refugees may not be expelled, returned or extradited from the Niger except for reasons of national security or public order. Refugees may not be expelled, returned or extradited to a territory where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinions. Expulsion may take place only in pursuance of a decision reached in accordance with due process of law.

164. The above-mentioned Act and the related decree contain exclusion clauses relating to refugee status. In accordance with those clauses, the following applicants are not eligible for refugee status:

- Any person who has committed a crime against peace
- Any person who has committed a war crime
- Any person who has committed a crime against humanity
- Any person who has committed a serious non-political crime outside the country of refuge prior to his or her admission to that country as a refugee
- Any person who has been guilty of acts contrary to the purposes and principles of African unity
- Any person who has been guilty of acts contrary to the purposes and principles of the United Nations

165. Article 6 of the Act addresses the rights of applicants for refugee status and recognized refugees. Such persons may not be expelled, returned or extradited from the Niger except for reasons of national security or public order. In addition, refugees may not be expelled, returned or extradited to a territory where their life or freedom would be threatened.

166. Article 8 of the Act provides that no expulsion order against a refugee who has been lawfully admitted to the Niger may be executed during the time allowed for appeal or, in the event that an appeal is filed, before the conclusion of the proceedings. The same provisions apply to persons who are the subject of a decision to revoke or terminate their refugee status until the time limits for filing an appeal have lapsed.

167. In order to ensure that refugees are protected, in accordance with the international commitments undertaken by the Niger, a national commission on eligibility for refugee status was created pursuant to an order of 14 July 2008. The commission reports to the Ministry of the Interior. Its mandate includes:

- Recognizing, revoking and terminating refugee status
- Granting legal and administrative protection to refugees
- Implementing legislation relating to refugees

168. The Commission is composed of representatives of State bodies, NGOs and the Office of the United Nations High Commissioner for Refugees (UNHCR), which is an observer.

169. To claim refugee status, applicants must submit to the commission a written request accompanied by an identity document and a medical certificate issued by the health services. The procedure is free of charge. Decisions made by the commission must be

reasoned and must be communicated not only to the applicant but also to the UNHCR representative.

170. The Act also provides for prima facie recognition in the event that there is a mass influx of asylum seekers.

171. Once refugee status has been granted, the refugee receives a refugee card and, where necessary, a travel document, as provided for in article 28 of the United Nations Convention of 28 July 1951.

172. To enhance respect for the rights of asylum seekers, applicants whose requests have been refused may appeal to the Discretionary Remedy Committee. If their appeal is rejected, they may apply to the competent national courts.

173. From 2011 to 2014, the Niger faced a massive influx of refugees from Libya, Côte d'Ivoire, Mali and Nigeria. The needs of those refugees were addressed by the national mechanism put in place by the Government, with the support of its partners. Those refugees who wished to do so were able to return to their country of origin.

174. From 12 to 14 December 2011, the authorities of the Niger received a joint United Nations/African Union mission sent by the Secretary-General of the United Nations to assess the impact of the Libyan crisis on all the Sahel countries. Headed by the Deputy Director of the Africa Division of the Department of Political Affairs, the mission held several meetings with members of the Government, accredited ambassadors to the Niger, the humanitarian team and the United Nations country team.

Article 14
Equality before the law

175. The preamble to the Constitution states that the sovereign people of the Niger are committed to building a State governed by the rule of law that guarantees the exercise of collective and individual rights, including freedom, justice, dignity, equality, security and well-being, as fundamental values of society.

176. Article 8 of the Constitution provides that the Niger is governed by the rule of law and guarantees equality before the law for everyone without distinction. This principle establishes the equality of all persons before the public justice system. Judges and court officers are trained to ensure respect for human dignity, physical integrity, due process and human rights.

177. Organic Act No. 2004-50 of 22 July 2004 establishes the organization and jurisdiction of the courts in the Niger. It defines the basic principles intended to ensure access to justice in the best possible conditions, protect citizens against arbitrary rulings by judges and ensure the transparency and legality of court decisions.

178. The Code of Criminal Procedure contains all the guarantees necessary to ensure fair trials. There are shortcomings, however, notably with regard to the right of defence, owing to the concentration of legal professionals in the capital. Some 95 per cent of lawyers and 70 per cent of other court officials (bailiffs and notaries) are based in Niamey. The Government has taken measures to uphold the right of defence, including instituting a system of court-appointed counsel, organizing travelling defence clinics and establishing the National Legal and Judicial Assistance Agency.

179. Article 117 of the Constitution stipulates: "Justice shall be administered in the national territory on behalf of the people and in strict compliance with the rule of law and the rights and freedoms of every citizen. Everyone is bound by judicial decisions, the authorities and citizens alike. They may be challenged only through the means and in the manner provided for by law."

180. The organization and functioning of judicial institutions in the Niger is based on the following:

- Organic Act No. 2004-50 of 22 July 2004 on the organization and jurisdiction of the courts in the Niger, as subsequently amended

- Organic Act No. 2013-35 of 19 June 2013 on the Constitutional Court
- Organic Act No. 2013-03 of 23 January 2013 on the composition, organization, functions and operation of the Court of Cassation
- Act No. 2013-02 of 23 January 2013 on the composition, organization, functions and operation of the Council of State
- Organic Act No. 2012-08 of 26 March 2012 on the composition, organization, functions and operation of the Court of Audit
- Act No. 97-07 of 5 June 1997 on the organization, functioning and procedure to be followed before the High Court of Justice, as subsequently amended
- Act No. 2014-72 of 20 November 2014 on the jurisdiction, functions and operation of the juvenile courts

181. Criminal procedure contains a number of rules intended to protect accused persons. These include the prohibition of any act of torture or ill-treatment, the presumption of innocence, the limits on the length of police custody, the prohibition on coercion, and the right to remain silent and be assisted by counsel.

182. These provisions ensure that the rights of accused persons are fully protected at the investigation stage, failing which the proceedings may be declared null and void.

183. The independence of the justice system has always been recognized in the country's constitutions. Article 118 of the current Constitution states: "In the exercise of their functions, judges are independent and are subject only to the authority of the law." The principle of the irremovability of judges, which is the main guarantee of the independence of the justice system, is also recognized.

184. The principle of public hearings is enshrined in the Code of Criminal Procedure, which stipulates that hearings should be held in public unless doing so would endanger public order or morality, in which case the court may, by a prior decision issued in open court, order the hearings to be held in private. This provision never applies to the handing down of a judgment.

185. In the case of minors, however, article 27 of Act No. 2014-72 of 20 November 2014 states that juvenile cases may not be heard in public. Each case must be tried separately, without any other defendants being present.

186. Marital disputes are resolved in accordance with customary law or civil law, depending on the parties' choice. Where customary law is applied, the judge sits with two associate judges who are familiar with the customs of the parties.

187. With regard to civil law, marital disputes and questions of child custody are settled in accordance with the Civil Code. Decisions are taken in the best interests of the child.

188. All persons who are arrested and placed in detention are informed immediately of the reasons for their arrest or detention and of their right to be assisted by a lawyer of their choice.

189. The law requires court-appointed counsel to be present at all stages of criminal proceedings involving a minor and before the assize courts for all accused persons who cannot afford a professional lawyer. Since 2012, the National Legal and Judicial Assistance Agency has made legal assistance available free of charge to asylum seekers, vulnerable persons and persons living in poverty.

190. The right to the services of an interpreter is provided for in the third paragraph of article 57 of the Code of Criminal Procedure, which authorizes criminal investigation officers to use interpreters to translate statements made by persons being interviewed prior to the finalization of the interview record in cases where the persons in question can neither read nor write.

191. The second paragraph of article 97 provides that, for the purposes of the investigation, the investigating judge may call on the services of an interpreter, who is obliged to swear under oath to faithfully translate the statements concerned.

192. During the trial stage, the presence of an interpreter is also provided for in the Code of Criminal Procedure. Article 393 states: "If the accused person does not have sufficient mastery of spoken French, or if it is necessary to translate a document that relates to the proceedings, the presiding judge shall appoint an interpreter if no sworn interpreter is available."

193. Article 394 of the Code states: "If the accused person is deaf-mute and is illiterate, the Chair shall appoint as interpreter the person most accustomed to conversing with him or her. The other provisions of the preceding article shall apply. If the accused person referred to in this article is literate, the registrar shall write down the questions or comments put to him or her. The questions or comments shall be passed to the accused person, who shall provide his or her replies in writing. The registrar shall read out all the replies to the court."

194. In practice, however, interpreting services are not always available and the Ministry of Justice does not have its own dedicated interpreting service. For foreign languages, it can use the interpreting and translation services of the Ministry of Foreign Affairs. However, the Ministry does not have interpreters in every language. The same is true of the national languages, for which the courts call on ad hoc interpreters, who are not always guaranteed to be available for the language in question.

195. All judicial decisions must be reasoned in order to be valid and persons involved in proceedings must be informed of their right to appeal.

Article 15
Non-retroactivity of the law

196. The principle of legality of the offence and the punishment is recognized in article 18 of the Constitution, which provides: "No one may be arrested or charged except under a law that was in force prior to the commission of the acts imputed to him or her."

197. The principle of non-retroactivity of the law is also set out in article 19 of the Constitution, which states: "Laws and regulations may have retroactive effect only where they confer rights and benefits on citizens." However, lawmakers may draft special retroactive laws if they provide for more lenient criminal penalties or in the case of procedural laws.

198. Article 20 of the Constitution enshrines the presumption of innocence, providing as follows: "Any persons accused of an unlawful act shall be presumed innocent until proved guilty according to law in a public trial at which they have been provided with all guarantees necessary for their defence." This principle is also enshrined in the Criminal Code.

199. In civil matters, article 2 of the Civil Code provides that the law applies only to the future and has no retroactive effect.

Article 16
Recognition as a person before the law

200. All national legislation recognizes every citizen of the Niger, and every person living in its territory, as persons before the law and accords them the rights deriving from that status.

201. The Civil Code defines legal personality as the capacity of all individuals born alive and viable to engage in legal transactions. It begins at an individual's birth and ends with his or her death. This right admits of no exception.

202. In practice, however, there are a number of limitations on the exercise of this right. One such limitation stems from the fact that parents often fail to register their children at birth, either through ignorance of the law or of the usefulness of this action or because they are negligent or unable to afford the procedure.

203. The lack of a birth certificate is an obstacle to a child's education. Likewise, adults' enjoyment of certain rights or access to certain basic social services is impinged on if they do not possess a national identity card or passport, which can be issued only on presentation of a birth certificate.

Article 17
Right to privacy, honour and reputation

204. Enjoyment of this right is guaranteed for both individuals and families. It is afforded comprehensive protection under the Constitution, which stipulates that "[t]he human person is sacred" and imposes on the State "an absolute obligation to respect and protect it". Both the physical and mental integrity of the human person are protected.

205. In civil law, human beings have the right to respect for their privacy. Articles 7 and 8 et seq. of the Civil Code stipulate that human beings have the right to protection of their image and honour and that members of certain professions must observe professional secrecy or face penalties. This protection, which applies during a person's lifetime, often remains in force even after his or her death.

206. In criminal law, Ordinance No. 2010-035 of 4 June 2010 regulating freedom of the press penalizes offences against honour and reputation, including defamation and insult.

207. Article 27 of the Constitution establishes the sanctity of the home, except in cases where searches, arrests or questioning are ordered pursuant to the law.

208. Article 29 enshrines the right to privacy of correspondence and communications, a principle that may be derogated from "only under the conditions and in the manner determined by law, on penalty of sanctions".

209. Respect for privacy is a sacrosanct principle; the privacy of all human beings is protected by law. Violation of the home, defamation, insult, searches, visits to a person's domicile, seizures and violation of the privacy of correspondence and telephone communications are offences punishable under the Criminal Code. However, restrictions on the right to privacy may be imposed where a judicial investigation so requires.

210. Article 70 of the Code of Criminal Procedure sets out, in the following terms, the conditions in which the above-mentioned measures may be carried out: "Searches, visits at a person's domicile and seizures of evidence may be conducted only with the express consent of the person in whose home the operations are taking place. This consent must be set out in writing by the person concerned; if he or she is unable to write, this fact shall be included in the record along with a statement of consent. The conditions set out in articles 51 and 54 shall apply."

211. The Constitution thus enshrines the protection of the family and the inviolability of the home and correspondence, subject to certain conditions prescribed by law.

Article 18
Freedom of thought, conscience and religion

212. Freedom of thought, conscience and religion is recognized and guaranteed in the Niger by article 8 of the Constitution, which stipulates: "The Republic of the Niger is governed by the rule of law. It shall guarantee equality before the law for everyone without distinction as to sex or social, racial, ethnic or religious origin. It shall respect and protect all beliefs. No adherents of a particular religion or belief may claim political power or interfere in the affairs of State. All particularist propaganda of a regionalist, racial or ethnic nature and any expression of racial, social, gender, ethnic, political or religious discrimination shall be punishable by law."

213. Article 30 of the Constitution provides: "Everyone has the right to freedom of thought, opinion, expression, conscience, religion and worship. The State guarantees freedom of worship and the expression of beliefs. These rights shall be exercised in a manner consistent with public order, social peace and national unity."

214. In the Niger, all religious faiths coexist harmoniously. Although the majority of the population are Muslims, they coexist peacefully with Christians and animists. In recent years, an increasing number of churches and other places of worship have been appearing.

215. According to the results of the demographic and health survey/multiple indicator cluster survey of 2012, the distribution of the population by religion is as follows:

- Animists and other religions: 0.2 per cent
- Christians: 0.8 per cent
- Muslims: 99 per cent

216. Under the law, the misuse of freedom of conscience and interference in the exercise of that right are punishable as ordinary or serious offences of a racial, regionalist or religious nature. Article 102 of the Criminal Code provides: "Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set people against one other shall be punishable by 1 to 5 years' imprisonment and restricted residence. Where the purpose or effect of the act of racial or ethnic discrimination, the regionalist propaganda or the infringement of freedom of conscience or freedom of worship is the commission of an offence against State security or the territorial integrity of the Niger, the perpetrator or instigator of the act shall be prosecuted as an accomplice or an accessory, as appropriate."

217. In order to give effect to the responsibility and freedom of parents and/or legal guardians to ensure the religious and moral education of their children in accordance with their own convictions, article 23 of the Constitution provides: "Parents have the right and duty to raise, educate and protect their children. Descendants have the right and the duty to assist and help ascendants. Both ascendants and descendants are supported in this task by the State and other public bodies." This responsibility of parents and guardians also extends to the freedom to choose and practise a religion and is based on the social values of the Niger.

Article 19
Freedom of expression

Current situation regarding press freedom in the Niger

218. In accordance with article 30 of the Constitution, civil liberties, including freedom of the press, are promoted and protected. The first paragraph of article 158 provides: "Audiovisual, written and electronic communication, printing and broadcasting may be engaged in freely, subject to respect for public order, liberty and human dignity."

219. That provision is reiterated in article 1 of Ordinance No. 2010-035 of 4 June 2010 regulating freedom of the press.

220. Since 2010, the Niger has made significant progress with respect to the promotion and protection of press freedom. Its achievements include:

- The adoption of the Ordinance of 4 June 2010 regulating freedom of the press. This Ordinance decriminalizes press offences, such as defamation and insult. It establishes that journalists cannot be sentenced to imprisonment or placed in pretrial detention for the performance of their work. The Order was based on a consensus reached between the State authorities and social and professional organizations from the media sector, following the national consultations on the press held in March 2010. Prison sentences have been replaced with fines.
- The adoption of a charter on access to information and administrative documents. With public administration deemed too secretive, this text is helping to tackle a problem that is frequently faced by journalists: the need for equal access to sources, which is a prerequisite for effective freedom of the press.
- The signing of the Declaration of Table Mountain by the President on 30 November 2011. The President of the Niger was the first serving Head of State to sign this

Declaration, which prohibits the imprisonment of journalists for the exercise of their profession and is aimed at rekindling public debate on freedom of the press in Africa.

- The declaration, by the Government, of National Press Freedom Day, which will be celebrated on 30 November each year, to commemorate the signing of the Declaration of Table Mountain. National Press Freedom Day will be celebrated for the first time on 30 November 2014.

Media environment in the Niger

221. The Higher Council for Communication, an independent administrative authority, is responsible for regulating the media sector. This State institution has the power to impose penalties on journalists and media outlets that violate the Ordinance regulating freedom of the press and the code of conduct for professional journalists.

222. There is also a self-regulation body, the Media Observatory for Professional Ethics of the Niger, which acts as a peer tribunal. This Observatory was set up following the national consultations on the press held in March 2010. The decision to establish such a body reflects the willingness of journalists to regulate their own profession by punishing breaches of professional ethics. The Observatory imposes penalties of a moral nature.

223. In order to promote journalism in the public interest, the State has set up a press support fund, which is managed by the Higher Council for Communication. The available funds are distributed on the basis of objective criteria determined by the Council. The aim of the fund is to build the technical, material and editorial capacities of private media outlets.

224. A sum of CFAF 200 million is allocated to this fund each year. An increase in the budget has been requested, in view of the digital transition that is under way in media outlets that are potentially eligible to receive funding.

225. The media landscape in the Niger boasts the following:

- 2 public television channels;
- 10 private television channels;
- 1 public radio station;
- 36 private radio stations;
- 134 radio stations run by communities or associations;
- 2 public newspapers;
- About 50 private publications, around 20 of which are published fairly regularly;
- Several news websites. Online media has expanded considerably in recent years. Unfortunately, it is not regulated by specific legislation; this has led to abuse of the freedom to inform and breaches of professional ethics.

226. The Higher Council for Communication is currently reviewing 26 applications to establish private television and radio stations.

Challenges

227. Effective freedom of the press cannot be achieved until various challenges, such as economic and financial sustainability, pluralism and the instilling of responsibility, have been overcome.

Economic and financial sustainability

228. There is still a shortage of news companies in the Niger. Press freedom is under real threat when media outlets and journalists yield to political and economic influence groups and pressures, in their efforts to earn a living wage.

229. Discussions are under way on improving the press support fund and adopting legislation on advertising in the press.

Pluralism

230. The media environment in the Niger is free and pluralist. This trend must be maintained in order to strengthen press freedom, prevent monopolies and ensure that there are enough media platforms for the public to have a choice of sources of information and means of expression.

231. Following a visit to the Niger in 2011, the association Reporters Without Borders welcomed the progress made with respect to press freedom, in a report entitled *Turning the page, hopes for media freedom in Niger and Guinea.*

Instilling of responsibility

232. Between 2011 and 2012, the Niger rose from 104th to 29th place in the rankings drawn up by Reporters Without Borders. The following year, the country dropped back following the arrest of certain journalists who mistakenly believed that the decriminalization of press offences gave them permission to publish or broadcast anything, regardless of professional ethics. With freedom comes responsibility, however.

233. The lack of financial security faced by journalists is often cited as justification for the scant regard for professional ethics shown by some members of the profession. A draft collective agreement for media sector employees has been drawn up and is ready to be signed by employers and employees. Once in force, the collective agreement could help to ensure greater security for journalists.

Article 20
Prohibition of propaganda for war

234. Advocacy of war is prohibited in the preamble to the Constitution, in which the people of the Niger reaffirm their desire to cooperate in friendship, equality and mutual respect with all peoples who are striving for peace, justice and liberty. The preamble is an integral part of the Constitution.

235. Article 8 of the Constitution prohibits all particularist propaganda of a regionalist, racial or ethnic nature and any expression of racial, social, gender, ethnic, political or religious discrimination.

236. Although the Niger has not passed national legislation prohibiting propaganda for war, peace has always been its guiding principle. This is clearly illustrated by its use of the international courts to resolve disputes with its neighbours, such as the border dispute with Benin regarding the island of Lété, which was settled by the International Court of Justice in The Hague. A dispute with Burkina Faso was also settled by that Court.

237. Under article 102 of the Criminal Code: "Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set people against one another is punishable by 1 to 5 years' imprisonment and restricted residence."

Article 21
Right of peaceful assembly

238. This right is enshrined in article 32 of the Constitution. The exercise of this right is not subject to any substantive or procedural requirements and is thus not restricted in any way. Whether the gathering is public or private, there are no requirements relating to prior notification or police supervision, still less accountability. This right is granted to all natural and legal persons residing in the territory of the Niger.

Article 22
Freedom of association

239. The right to freedom of association and the right to form trade unions are enshrined in article 9 of the Constitution, which reads as follows: "Pursuant to the freedom of association recognized and guaranteed by the present Constitution, political parties, groups of political parties, trade unions, non-governmental organizations and other associations or groups of associations may be formed and may conduct their activities freely, subject to the laws and regulations in force."

240. Under the charter for political parties, parties are required to train and raise awareness among their members and help to shape public opinion with the aim of preserving and strengthening national unity, peace, security and economic, social and cultural development in the Niger.

241. Trade union rights are enshrined, first and foremost, in article 34 of the Constitution of 25 November 2010, which provides that "[t]he State shall recognize and guarantee the right to organize and the right to strike, which must be exercised in accordance with the laws and regulations in force".

242. The Labour Code and the General Civil Service Regulations reaffirmed the trade union rights already recognized to workers in both the public and private sectors.

243. Freedom of association has fostered trade union pluralism: in 2014, there were 14 groups of affiliated trade unions, established as unions, federations, umbrella organizations and confederations.

244. The exercise of freedom of association has resulted in the proliferation of associations, NGOs, trade unions and political parties. As at 12 June 2014, there were 1,082 associations, 1,557 NGOs, 71 political parties and 14 groups of affiliated trade unions.

245. There are no restrictions on freedom of association aside from the ban relating to ethnic and regionalist associations, which is intended to preserve national unity, peace and social cohesion.

246. Associations may therefore be formed freely and any person may join the association of his or her choice. Newly established associations may begin their activities once they have received provisional authorization, which is valid for three months. Authorization to operate is issued by order of the Minister of the Interior, Public Safety, Decentralization and Religious Affairs, after an assessment of compliance with current legislation. It can be denied only on grounds provided for by law. The procedure for setting up a trade union is even simpler. In accordance with the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which have been ratified by the Niger, trade unions are required to submit prior notification.

247. Cooperatives are officially recognized by local authorities, namely prefects and mayors. Foreign nationals may also exercise their rights in this regard by forming associations.

Article 23
Protection of the family

248. Article 21 of the Constitution establishes the following: "Marriage and the family constitute the natural and moral foundation of society. They shall be placed under State protection. The State and public authorities have a duty to ensure the physical, mental and emotional health of families, especially mothers and children." This protection encompasses the fields of health, education, mother and child protection, protection of minors who are at risk or in conflict with the law, the right to birth registration, the right to a name and a family, the criminalization of offences against the family and against childbirth, and protection of privacy, honour and the family under civil law.

249. Marriage is governed by both customary and civil law. However, most marriages are celebrated in accordance with custom. Article 63 of Act No. 2004-50 on the organization of the judiciary stipulates: "Subject to duly ratified international conventions, legislative provisions and fundamental rules concerning public order or personal freedom, the courts shall apply the custom of the parties in matters pertaining to their capacity to enter into a contract and to bring legal proceedings, civil status, family, marriage, divorce, descent, succession, gifts and wills."

250. Unlike customary law, the Civil Code establishes a minimum age at marriage for men and women and requires their consent. Article 144 states that men under the age of 18 years and women under the age of 15 years cannot marry, while article 147 stipulates that there can be no marriage without consent. Both of these provisions are observed in civil marriages, largely thanks to the registrar, who is responsible for enforcing them.

251. According to the demographic and health survey/multiple indicator cluster survey carried out in 2006, half of all women aged between 25 and 49 married before the age of 15.5 years. This median age at first marriage has increased slightly since 1998, from 15.1 years.

252. Disputes in the field of family law must be settled by the courts. However, the law grants customary authorities the power to conciliate. This power is exercised in accordance with article 149 of Ordinance No. 93-015 of 2 March 1993 establishing the principles of the Rural Code and Act No. 2008-22 of 23 June 2008, which amends Ordinance No. 93-028 of 30 March 1993 regulating traditional chieftaincy in the Niger.

253. In matters of divorce, the Civil Code distinguishes between absolute and non-absolute grounds. The parties may opt for a divorce by mutual consent. Under customary law, divorce is always sought by the wife, since the husband holds the power of unilateral repudiation.

254. Abandonment of home and family by either spouse is punishable under articles 260 and 261 of the Criminal Code, so as to preserve family cohesion.

Article 24
Protection of children

255. All children, without distinction as to age, sex or social, racial, ethnic or religious origin, are entitled to basic social services and to the protection measures they require as minors. This statement is supported by articles 21, 22 and 23 of the Constitution.

256. These protection measures, which relate to fields such as education, health, protection and birth registration, are set forth in legislation that deals with the protection of children in general.

257. Information on the sentences applicable to minors and the length of pretrial detention of minors can be found in paragraphs 71 and 125.

258. Ordinance No. 99-42 of 23 September 1999 on the fight against drugs establishes increased penalties for persons who involve children in the import, possession, transport or export of drugs. Order No. 99-68 of 20 December 1999 on the establishment of a national fund to support persons with disabilities, provides for the creation of a national fund to support children with disabilities.

259. Act No. 2007-30 of 3 December 2007 on the civil status system provides for systematic birth registration. All births must be declared within 10 or 30 days by the parents or by any person who was present at the birth. There are some obstacles to achieving systematic birth registration, however.

260. Main and secondary registry offices have been set up to encourage people to request civil status certificates. Thanks to the increase in the number of offices from 1,230 in 2009 to 6,865 in 2012 and the strengthening of their logistical capacities, more than 9,000 registrars and deputy registrars have been trained and around 2.8 million birth certificates, over 70,000 marriage certificates and 64,117 death certificates have been issued.

261. In 2003, 16 June was declared the day of birth registration.

262. Mobile court hearings have been held in all regions of the country to raise awareness of the importance of civil registration. During these hearings, which benefited 4,713 villages with 1,184,524 inhabitants, a total of 273,050 judgments establishing date of birth, 2,341 judgments establishing marriage and around 2,000 declarations of death were handed down between 2011 and 2014.

263. The percentage of children under 5 years old whose birth has been registered rose from 32 per cent in 2006 to 64 per cent in 2012.

264. In 2007, there were a total of 2,169 registry offices, spread throughout some 15,000 administrative entities (villages, districts and tribes).

265. Nationality law in the Niger is based on the principles of *jus solis* and *jus sanguinis*. Article 8 of Ordinance No. 99-17 of 4 June 1999 provides that Niger women may pass on nationality to their children. In addition, Act No. 2014-60 of 20 November 2014, which amends that Ordinance, provides that a Niger woman who marries a foreign national may pass on nationality to her husband.

266. Article 34 of that Act establishes the right to dual nationality.

Article 25
Participation in public life and in elections

267. The exercise of political rights is guaranteed by the Constitution. All citizens of the Niger have the right to vote and to be elected, provided that they meet the requirements established by law. Moreover, all citizens are guaranteed the right to have access, on general terms of equality, to public service in the Niger.

268. Information on the number of women in political and elective office can be found in paragraphs 41, 43 and 54 of the present report.

269. Ordinance No. 2010-84 of 16 December 2010 provides for State subsidies to political parties. This is conditional on their participation in general elections.

270. As regards the organization of legislative elections, the third and fourth paragraphs of article 84 of the Constitution and the second and third paragraphs of article 120 of the Electoral Code now state that members of the parliament must be elected by universal, free, direct and equal suffrage by secret ballot. Male and female citizens of the Niger who are at least 21 years old and in possession of their civil and political rights may stand for election to the National Assembly. At least 75 per cent of candidates on lists submitted by political parties, groups of parties and independent candidates must have obtained at least a certificate of completion of the first stage of secondary education or equivalent, with at most 25 per cent of candidates not meeting that requirement. For the purposes of this quota, special constituencies are counted as part of the regions to which they belong.

271. Under these new provisions, which are designed to raise the quality of the debates in the National Assembly, the Transitional Constitutional Council, by Order No. 002/11/CCT/ME of 13 January 2011, rejected 67 of the 141 lists of candidates that had been submitted to it, on the grounds that the political parties concerned had not complied with the provisions.

272. For example, the Council disqualified a candidate on the list for the Parti nigérien pour la démocratie et le socialisme (Nigerien Party for Democracy and Socialism) (PNDS) in the region of Agadez on grounds of fraud and consequently declared the entire list void, in accordance with the Electoral Code. It also ordered that further by-elections should be held, pursuant to article 105 of the Electoral Code.

273. Over the same period, 11 candidates, including 1 woman, ran for the presidency. The two frontrunners following the first round were the candidate for PNDS, who won 36.16 per cent of the vote, and the candidate for the Mouvement national pour la société de développement (National Movement for a Developing Society) (MNSD), who won 23.22 per cent of the vote. Voter turnout rose to an unprecedented 51.56 per cent in the first round.

The second round was won by the candidate for PNDS, with 58.04 per cent of the vote. Turnout was 48.96 per cent.

274. The election result was accepted by the losing candidate, Seïni Oumarou, who stood for MNSD, with support from the Alliance pour la réconciliation nationale (Alliance for National Reconciliation) (ARN), and received 41.96 per cent of the vote; after noting the result, he stated publicly that he would not challenge it before the Transitional Constitutional Council.

275. The European Union Election Observation Mission noted in its report that, throughout the observation period, the campaigns for both rounds of the election took place in a peaceful and orderly manner. It also commended the Niger for ensuring that the candidates and political parties enjoyed free and equal access to public media and noted that the National Observatory on Communication had fulfilled its mandate as a regulator in a professional, participatory and fully transparent way.

Article 26
Equality and non-discrimination before the law

276. The country's commitment to the rule of law and to the principles of a pluralist democracy is proclaimed in the preamble to the Constitution. Article 8 of the Constitution states: "The Republic of the Niger is governed by the rule of law. It shall guarantee equality before the law for everyone without distinction as to sex or social, racial, ethnic or religious origin." It follows from this provision that any persons who consider themselves victims of discrimination may take legal action in order to see their rights restored or obtain reparation in any area. By way of example:

- Article 1382 of the Civil Code provides: "The perpetrator of any act that causes damage to another person must make reparation."
- Article 5 of the Labour Code provides: "All employers are prohibited from taking into consideration sex, age, national origin, race, religion, colour, political or religious views, social origin, disability, membership or non-membership of a trade union or trade union activity when making decisions relating to recruitment, organization and distribution of work, professional training, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment. Any conflicting provision or instrument shall be considered void."
- Article 24 of Act No. 2013-02 of 23 January 2013 on the composition, organization, functions and operation of the Council of State provides that the Council is empowered to consider, at first and last instance, applications to set aside an administrative decision on grounds of abuse of authority, as well as applications for interpretation and assessment of the legality of administrative decisions, at the request of the judicial authority.

Article 27
Rights of minorities

277. There are no problems relating to ethnic, religious or linguistic minorities in the Niger. Article 4 of the Constitution reads as follows: "National sovereignty belongs to the people. No sector of the population, community, corporation, party or political association, trade union organization or individual may arrogate the exercise of that sovereignty. Personalization of power, regionalism, ethnocentrism, discrimination, nepotism, sexism, tribalism, feudalism, slavery of any kind, illicit enrichment, favouritism, corruption, misappropriation of public funds and influence peddling in the exercise of State power shall be punishable by law."

278. Article 5 establishes the conditions governing the exercise of these freedoms: "All communities comprising the nation of the Niger shall be free to use their languages while respecting the languages of others. These languages shall have the status of national

languages, on an equal basis with one another. The State shall ensure the promotion and development of the national languages. Measures to enable their promotion and development shall be established by law."

279. Contrary to popular belief, in the Niger there is no social order based on discriminatory factors, still less stigmatization of particular social groups that could be considered minorities.

280. Since 1985, the authorities of the Niger have been undertaking a process of legislative reform relating to land and natural resources, in order to avoid any kind of conflict and lay the groundwork for social cohesion and dialogue. Within this process, the customary authorities play a major role in preventing and settling land disputes, in accordance with the ordinance regulating their status.

281. The authorities demonstrated their commitment at the political level on 29 May 1986 by setting up an ad hoc committee to define the guiding principles of the Rural Code. The committee's work resulted in the compilation of all legislation relating to customary land law and the management of natural resources. In July 1989, the ad hoc committee was replaced by a standing body, the National Committee on the Rural Code, which is supported at the operational level by a permanent secretariat.

282. The Rural Code governs access to land rights and management, establishes regulations concerning home grazing territories (*terroirs d'attache*) and strengthens the legal and institutional frameworks through the introduction of land commissions. The Code contains specific regulations on issues relating to the demarcation of transhumance corridors and grazing areas; in this way, it helps to keep the peace among nomadic and settled groups, who are often faced with land management problems. Lastly, it emphasizes the need to protect rural producers and build their capacities to develop their environment through innovation.

283. In an effort to promote culture, the Government launched the Cure Salée and Guerewol festivals, which are intended to foster harmony, respect and cohesion among various social groups.

284. Furthermore, to ensure social cohesion and strengthen national unity among the various ethnic groups that make up the population, the Government introduced the Week of Joking Relationships, which was extended to a month under Decree No. 2010-795 PCSRD/MCNTI/C of 16 December 2010. This initiative was rolled out countrywide in 2007, in response to the identity-related conflicts and threats that are increasingly undermining social cohesion and cultural practices. It is helping to strengthen social practices that promote solidarity, unity and harmony among the various components of the population, who share the same joys and frustrations in an atmosphere of complementarity and cohesion.

285. Lastly, it should be noted that the practices and expressions of joking relationships were classed as intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in November 2014.

IV. Conclusion

286. It is clear from the developments described above that the Government of the Niger is making substantial efforts to strengthen democracy and promote human rights. The present report illustrates the progress that has been made in the field of human rights and, in particular, the measures taken to ensure the enjoyment of civil and political rights. In spite of all these efforts, there are still many challenges to be overcome in order to ensure that all civil and political rights of all sectors of the population are respected.

287. This report, which covers legislative and administrative measures and new policies relating to the Covenant, reveals the considerable progress made with respect to human rights and fundamental freedoms in the Niger between 1993 and 2014.

288. The State's commitment to incorporating the human rights dimension into its civil and political activities has given rise to major developments as regards not only the legal

and institutional framework but also the enjoyment, by the people, of the various rights and freedoms set forth in the Covenant.

289. The preamble to the Constitution of 25 November 2010 proclaims the commitment of the people of the Niger to human rights as defined by the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, and the African Charter on Human and Peoples' Rights of 1981. These regional and international legal instruments are thus an integral part of the Constitution.

290. Moreover, the institutional framework is consistent with the principles of democracy and the rule of law, for the Niger has established all the institutions provided for in the Constitution, including the National Human Rights Commission, which is in line with the Paris Principles.

291. An analysis of the situation with regard to civil and political rights shows that, between 1993 and 2014, considerable progress was made, with the decriminalization of press offences, improvements in access to justice and the enshrinement in the Constitution of the prohibition on slavery, torture and other cruel, inhuman or degrading treatment or punishment. As a result of the adoption of Ordinance No. 2010-35 of 4 June 2010 on the decriminalization of press offences and the signing of the Declaration of Table Mountain in 2011, the Niger gained an honourable ranking (47th out of 180 countries) in the World Press Freedom Index published by Reporters Without Borders in 2014.

292. The steps being taken to progressively establish a legal aid framework reflect the Government's commitment to improving access to justice.

293. The Niger is also firmly committed to combating slavery and trafficking in persons, as can be seen from the various legislative measures that have been adopted and the entities that have been established to coordinate efforts in this area.

294. An analysis of the situation regarding civil and political rights also shows how tirelessly and determinedly the Government has worked to ensure peace and security for the people, in spite of the country's geographical proximity to countries that are suffering from conflicts and residual violence.

295. Despite all of the progress made by the Niger between 1993 and 2014 with respect to the rights and freedoms set forth in the Covenant, much remains to be done, particularly as regards the fight against slavery, early and forced marriage, the adoption of a family code and the abolition of the death penalty.

296. The Niger is aware of these shortcomings and has committed to developing, with the support of its partners, specific initiatives that will help to ensure the effective enjoyment of civil and political rights.

297. In sum, the Government of the Niger remains determined to further promote and protect the rights and freedoms set forth in the Covenant.